



General Assembly

January Session, 2001

Amendment

LCO No. 5941

Offered by:

SEN. BOZEK, 6th Dist.

To: Subst. Senate Bill No. 477

File No. 234

Cal. No. 204

"AN ACT CONCERNING INSURANCE SETTLEMENTS FOR TOTAL LOSS VEHICLES."

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- 1 In line 1, before "Section" insert "Section 1."
- 2 Strike lines 15 to 23, inclusive, in their entirety and insert the
- 3 following in lieu thereof:
- 4 "(b) Whenever a damaged motor vehicle covered under an
- 5 automobile insurance policy has been declared to be a constructive
- 6 total loss by the insurer and the vehicle is in the possession of a
- 7 licensed dealer or repairer, the insurer shall (1) pay the dealer or
- 8 repairer any outstanding charges, including, but not limited to,
- 9 towing, storage and authorized repair costs, (2) remove the vehicle
- 10 from the dealer's or repairer's premises during normal business hours
- 11 not later than ten days after the insurer settles the claim on the motor
- 12 vehicle with the vehicle's owner and lienholder, and (3) give written
- 13 notification to the dealer or repairer at least one business day before
- 14 the time the insurer intends to remove the vehicle. Not later than one
- 15 business day after receiving such notification from an insurer, the

16 dealer or repairer shall make the motor vehicle available for removal
17 during normal business hours.

18 (c) (1) If the dealer or repairer fails to make the motor vehicle
19 available for removal as required in subdivision (b) of this subsection,
20 storage fees shall stop accruing as of the date of such failure.

21 (2) Nothing in subsection (b) of this section shall be construed to
22 preclude an insurer that has received written authorization from the
23 owner of a motor vehicle from removing the vehicle from the dealer's
24 or repairer's premises in accordance with an agreement with the dealer
25 or repairer.

26 Sec. 2. Section 38a-352 of the general statutes is repealed and the
27 following is substituted in lieu thereof:

28 (a) All claims paid by an insurer, a holding company of an insurer
29 or a wholly owned subsidiary of an insurer for any loss to motor
30 vehicles or any claim for damages to motor vehicles, shall be paid to
31 the claimant by check, electronic transfer to the claimant or other
32 means that provide the claimant immediate access to the funds.

33 (b) Whenever a motor vehicle covered under an automobile
34 insurance policy is in the possession of a licensed dealer or repairer,
35 any payment made by the insurer to the owner or lienholder of the
36 motor vehicle shall include the dealer or repairer as an additional
37 payee if the payment includes compensation for said dealer's or
38 repairer's towing, storage or labor charges. Such charges shall not
39 exceed the charges posted pursuant to section 14-65i or the uniform
40 rates and charges for nonconsensual towing, transporting and storage
41 of motor vehicles established pursuant to section 14-66."